(*b*)—

Date	*Name of Party*	*H.P.*
6-2-1954	... Bhujangappa	... 10
12-4-1954	.. P. K. Shambhulingappa	3
11-8-1954	... Manumallappa	... 7·5
11-8-1954	... Shivagangappa	... 7·5
12-4-1954	... C. M. Nanjundappa	10

(*c*) Yes, one for Rs. 12,760 and another for Rs. 20,058.

(*d*) They will be considered as soon as the countersignature of the Development Officer, National Extension Scheme is received.

Nelamangala Taluk Roads (Tarring).

Q.—635. Sri D. M. GOVINDARAJU (Nelamangala).

Will the Government be pleased to state :—

(*a*) the names of roads in Nelamangala Taluk in respect of which representations have been received for tarring them ;

(*b*) of them, the steps taken for tarring—

(i) Begur-Thyamagondlu-Niduvanda Road ;

(ii) Dobspet-Sivaganga Road

(iii) Kolar-Sompur Road ?

A.—Sri Kadidal MANJAPPA (Minister for Revenue and Public Works).—

(*a*) (1) Begur-Thyamagondlu-Niduvanda Road.

(2) Dobspet-Sivaganga Road.

(3) Kolar-Sompur Road.

(*b*) (i) The work is under progress. An outlay of Rs. 7,000 has been incurred against an allotted grant of Rs. 10,000.

(ii) An estimate for Rs. 4,500 for asphalting 4 furlongs of Dobspet-Sivaganga Road has been sanctioned and the work is in progress. Supply of emulsion is awaited. An estimate for the rest of the length is under preparation.

(iii) An estimate for the work has been prepared and is to be sanctioned.

Privilege Motion *re* Publication of the Budget in a local newspaper.

Mr. SPEAKER.—On the third instant as soon as the House assembled after lunch, Sri M. V. Rama Rao drew attention to a matter of privilege namely the sale at 3 p.m. of copies of a local newspaper "The Daily Post" of that date containing Budget proposals for 1955-56 which had been presented to the House at 1 p.m. that day by the Hon'ble Chief Minister. On his being requested to put down a written motion to that effect, he gave written notice within a few minutes thereafter. His contention has been that the newspaper has obtained the Budget papers even before the proposals have been presented to the House. Since this was a matter of privilege not arising during the sitting of the Assembly the matter was taken up after question hour on the 4th instant as required by our rules.

After Sri Rama Rao spoke on his notice, several Hon'ble Members also expressed their opinions on the matter. The Hon'ble Chief Minister who also spoke on the occasion has stated : "Regarding the suspicion that the Government might have handed over a copy of this document to the concerned editor or the printer, as the case may be, I must categorically say it is untrue." Later he added : " I myself got a copy of the printed speech for me to go through finally at about 8-30 a.m. yesterday. Therefore it is unthinkable that Government was a party to this premature handing over of budgetary papers to any one else and I myself, as the Hon'ble member has said, am as jealous of guarding the rights of this House as other members are, in fact it ought to be so." Earlier in his speech he stated that copies were distributed to the Press at 1-10 p.m. on the 3rd after the Budget speech had been commenced to be read to the House and that this was in accordance with previous practice.

(MR. SPEAKER.)

Since this is a matter of importance I think it is desirable that we should examine the question in some detail. It has to be firstly borne in mind that what would constitute a breach of privilege is not the sale or distribution of the newspaper at 3-30 or 3 p.m. because the speech had been delivered to the House by 2-30 p.m. and in fact, the speech had been commenced at 1 p.m. and admittedly copies had been released by 1-10 p.m. What might constitute a breach of privilege would be the fact of copies of the speech having been made available to the Press or any one else before 1 p.m. when the speech was commenced. On this point we have the categorical statement by the Hon'ble Chief Minister that Government did not hand over any copy of the speech to the Paper. — There has been no assertion by any Hon'ble Member that as a matter of fact a copy was handed over before 1 p.m. It is a well known parliamentary usage, too well known for any authority to be cited, that when such a categorical statement is made by Government about any facts relating to administration or within their responsibility it should not be lightly rejected but should be accepted.

—Secondly, I think it is desirable to give Hon'ble Members an idea of the function of the Speaker when a matter of privilege is raised. According to May's 'Parliamentary Practice,' "It has often been laid down that the Speaker's function in ruling on a claim of breach of privilege is limited to deciding the formal question whether the case conforms with the conditions which alone entitle it to take precedence of the notices of motions and orders of the day standing in the order paper of public business and does not extend to deciding the question of substance, whether a breach of privilege has in fact been committed—a question which can only be decided by the House itself. The conditions with which a claim of privilege must comply in order to be accorded precedence over those mentioned above (1) a *prima facie* case of breach of privilege must be made out, (2) the matter must be raised at the earliest opportunity." This quotation from May's 'Parliamentary Practice'—and our Rules are to like effect—will disclose that at this stage the Chair has not got the duty to decide on the question whether a breach has in fact been committed. The Chair cannot decide that question. It has only to decide on the two conditions of admissibility referred to above. In respect of the present matter that it has been raised at the earliest opportunity has to be admitted. But in view of the categorical and definite statement by the Hon'ble Chief Minister that as a matter of fact no copy was handed over to anybody before 1 p.m. which has not been controverted and which I accept in accordance with parliamentary usage, I am not prepared to hold that a *prima facie* case of breach of privilege has been made out. A *prima facie* case can only arise if on the facts before me I were to hold that a copy was admittedly released before 1 p.m. I have looked into the several cases of Budget leakage in the House of Commons in England. In every one of them there was an admission of leakage before presentation and the cases had therefore to be treated as raising a *prima facie* case of breach of privilege. In the present case there is no such admission but on the other hand a categorical denial and this difference is vital and marks the point of distinction.

It will, I am sure, be clear to Hon'ble members that in giving my ruling I am not giving any opinion on the question of substance. I am merely deciding against giving it precedence.

The discussion on this matter has disclosed that the present practice in regard to release of the Budget Speech may not be quite satisfactory. I think it is desirable that a more satisfactory procedure is evolved for the future and this is a matter on which I propose to have consultations with the Chairman of the Legislative Council and the Government so that by mutual agreement a settled procedure may be decided upon for the future.